



BOSTON CONNECTICUT NEW JERSEY NEW YORK WASHINGTON, D.C.

Please take up with  
Magnificent Judge EATON.

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June 11, 2007

BY OVERNIGHT COURIER

~~SO ORDERED:~~  
 Date: 6/12/07

Richard M. Berman

The Honorable Richard M. Berman, U.S.D.J.  
United States District Court for the

Southern District of New York  
Daniel Patrick Moynihan United States Courthouse  
500 Pearl Street, Room 650  
New York, New York 10007

**MEMO ENDORSED**

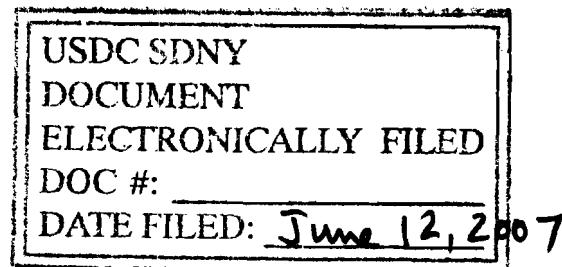
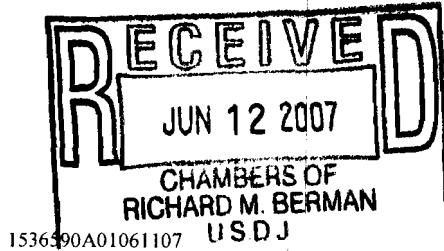
Re: *ACS Recovery Services, Inc. v. Bobby Harris et al.;*  
 Case No.: 07-cv-2946

Dear Judge Berman:

This firm represents plaintiff ACS Recovery Services, Inc. in the above-referenced action. On May 16, 2007, the parties reached a settlement in the above-referenced matter, and we advised the court of same, both telephonically and in writing, that day. Your Honor thereupon entered an Order of Discontinuance of the action, dated May 16, 2007, without prejudice to the right of either party, for good cause shown, to restore the matter to the Court's active docket. We regret to advise the Court that the defendants have defaulted on their obligations under the parties' settlement (they have failed to pay), and therefore we respectfully ask that the case be reopened and placed back on the Court's active docket.

The undersigned and defendants' counsel negotiated a compromise of plaintiff's claims. Pursuant to that agreement, defendants were to pay a certain amount to plaintiff. Upon reaching this agreement, and based upon it, your Honor cancelled a hearing scheduled for May 17 (the next day) with respect to a previously adjourned application for a preliminary injunction and entered the 30-day order.

This application is being made within 30 days of the entry of the Notice of Discontinuance. Upon the case's being restored to the active calendar, we intend to make a motion to enforce the settlement agreement (motion for summary judgment).



DP DAY PITNEY LLP

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Your Honor's attention to this matter is appreciated. Please do not hesitate to contact the undersigned if you have any questions.

Respectfully,



Glenn E. Butash

cc: **BY OVERNIGHT COURIER**  
Jeffrey Scott Lanzet, Esq.  
Counsel for Defendants